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CHARLES S. CRANE, Manager.

TUESDAY : : : : : JULY 7

If it is true that Mr. McCandless had nothing to do with the anti-Cofer proceedings, as the gentleman who wrote his disclaimer avers, then it is the duty of Mr. McCandless to at once reform the convictions of his personal friends and relatives.

THE FAILURE OF THE COURTS.

The failure to secure expedition and thoroughness in the enforcement of public and private rights in our courts is, in the opinion of William H. Taft, the Republican candidate for the Presidency, where the United States has fallen farthest short of ideal conditions of government. In an article contributed to the North American Review, in the last edition, Mr. Taft points out in what respects the American courts are departing from what should be the plain duty of giving speedy justice and are devoting more and more of their time to splitting legal hairs, working out technical puzzles and enforcing rules which outside a courtroom would be regarded as too glaringly absurd for sensible men to discuss, much less allow themselves to be guided by.

In his article contributed to the Review, which is based upon an address made by him before the Civic Forum, New York, last April, Mr. Taft says, in part:

"One of the great difficulties with the profession of law is the disposition both of judges and of advocates to treat the litigants as made for the courts and the lawyers, and not the courts and lawyers as made for the litigants. And as it is lawyers who in judiciary committees of the legislatures draft the codes of procedure, it too frequently happens that the motive for simplifying the procedure and making the final disposition of cases as short as possible is not as strong as it should be. In the end such simplification would be greatly in the interest of the lawyers, for the present conditions of delay in the courts lead many people to arbitrate their case out of court or to yield to unjust claims rather than to expose themselves to the nervous strain and expensive burden of a long-drawn-out contest in court.

"In my opinion the best method of securing expedition in the disposition of cases is to leave to the judges of the court the forming of the procedure by rules of court, imposing upon them the obligation to adopt rules making the course of litigation as speedy and as inexpensive as possible.

"When we come to the administration of criminal law and the assertion of public right, which have a more direct bearing upon the welfare of the whole people than the settlement of private rights, the injurious delays caused by the procedure provided by legislative act are greatly accentuated. No one can examine the statistics of crime in this country and consider the relatively small number of prosecutions which have been successful, without realizing that the administration of the criminal law is a disgrace to our civilization. Some of the causes for the lax administration of the criminal law may be found in the lenient, happy-go-lucky character of the American people, absorbed in their own affairs, and not fully realizing that this tremendous evil exists in the community.

"In criminal cases the jury system is essential to secure the rights of the individual against possible abuses by the government; but it necessarily causes delay. The grand jury system enforced by the Federal Constitution, although not required in many of the States, is another cause of delay in bringing criminals to justice. Fully conceding the necessity of these constitutional restrictions as essential under our form of government to the preservation of the liberty of the individual, we still find a large field in which the legislature, by formulating proper and expeditious criminal procedure, could avoid the discouraging and disgraceful delays that now exist, when the criminal has the means to employ acute lawyers who take advantage of every technical necessity presented by the rules obtaining in the trial of criminal cases. Every month of delay in bringing a person charged with crime to justice inures, in his ultimate trial, to his benefit. In order to resist the amiable tendency of human nature toward mercy and compassion for the unfortunate charged with crime, a jury must be strongly imbued with the right of the public to have crime punished, and the further backward into the past the facts upon which the prosecution is based are pursued, the less strongly does the jury feel its obligation to the public at large to restrain future crime by the punishment of offences committed in the distant past.

"Again, the procedure provided by legislative enactment for the trial of the crime itself too frequently affords the opportunity to prolong the trial, and exaggerates into undue prominence circumstances having no direct bearing upon the innocence or guilt of the defendant, but calculated to divert the minds of the jury from the real issues, and ultimately to lead to a disagreement or to an acquittal of a really guilty man. Of course, such a result could hardly be obtained except by the employment of skilled counsel of dramatic power, able to confuse the minds of the jury, to destroy their sense of proportion, and to make them reach conclusions as jurymen which as men in their own business they would repudiate as absurd.

"And, now, what has been the result of the lax administration of criminal law in this country? Criminal statistics are exceedingly difficult to obtain. The number of homicides, the number of lynchings and the number of executions one can note from the daily papers, but the number of indictments, trials, convictions, acquittals or mistrials it is hard to find. Since 1885 in the United States there have been 131,951 murders and homicides, and there have been 2286 executions. In 1885 the number of murders was 1808. In 1904 it had increased to 3482. The number of executions in 1885 was 108. In 1904 it was 116. This increase in the number of murders and homicides as compared with the number of executions tells a startling story. As murder is on the increase, so are all offences of the felony class, and there can be no doubt that they will continue to increase unless the criminal laws are enforced with more certainty, more uniformity, and more severity than they are at present."

LAW OF THE COFER CASE.

Further research as to the law of the case seems to make stronger than ever the position discussed editorially in the Advertiser Friday as to the eligibility of Dr. Cofer to hold the position of President of the Board of Health.

A search of the statutes at large show that as each Territory was organized, a special act of Congress was passed, providing for its organization and government. These acts were very much alike, and in some provisions were identical except as to the name of the Territory, and in other cases identical in fact, though varying slightly as to phraseology.

In 1873 there was a revision of the statutes of the United States, and the revisers finding these several acts with identical provisions codified them, thus creating what was apparently a general Territorial act.

But when Congress came to create the next Territory after this revision, Oklahoma, it does not seem to have considered the general act an appropriate means, and passed a special act creating the Territory of Oklahoma, just as it had in years before passed special acts creating the Territories of Utah, Dakota, New Mexico, Wyoming, and Arizona. And in this act creating the Territory of Oklahoma, this same provision about holding office was enacted again.

Still later, when Hawaii was to be created a Territory and a government for it was organized, another act was passed, and this office-holding provision was considerably altered from the analogous provisions in other Territories.

It would thus seem that each Territory is provided for separately, and that in the case of Hawaii a Federal official is only disqualified as a member of the Legislature.

The year 1776 was important in a separate sense to Hawaii than the one derived from our union with the United States. It was then that Captain Cook appeared and added these islands to the map. Considering the enterprise of the English a couple of centuries before, in the matter of adding land to the British Empire, it is surprising that Cook came here with no apparent intention to annex. He could, without any trouble, have established a claim which England would have been glad to defend in future years, upon a great deal of useful real estate in both the North and South Pacific.

The sword seems to have got a trifle the better of the pen in yesterday's scrap.

THE SPIRIT OF THE FOURTH.

The Fourth of July was first observed in a fringe of little settlements on the Atlantic coast of North America. Before many years had passed, it was honored on the Mississippi river and the great lakes; and in seventy years the Pathfinder carried its observance to the Pacific. Within a decade the flag of the Fourth has crossed that ocean, planting itself on islands of the sea and on the Asiatic littoral. Now on the 133d anniversary of Independence Day, the sun cannot set upon its glories; for while the morning gun is booming its salutation to the colors from Fort Knox, on the Penobscot, the evening gun in the farthest post of the Philippines is bidding them good night.

But the spirit of the Fourth has gone further than this. It accounts for the republiana status of South America; it has profoundly influenced Canada; it has leavened the original toryism of the mother country. Australian laws and customs and beliefs respond to it. The fourth French republic, like the first, is its reincarnation. But for what was embodied in the Declaration of Independence—but for those great truths our forefathers held to be self-evident—there would probably have been no Duma in Russia today, no Austro-Hungarian parliament, no constitution in Spain and Italy and, perhaps, no triumphant democracy in England. There are few despots left in the world today; the people are co-sovereigns; the reign of the common man is coming.

Happily the sovereigns of Europe did not foresee these results, or the coalition, the Holy Alliance, might have come a generation before it did and made America its objective. Napoleon was its victim instead; yet, gathered in Independence Hall in Philadelphia were men who held the destinies of Europe as well as of the New World in their hands and were setting in motion a mightier agency of political disintegration than ever Napoleon became. The great Emperor is called "the child of the French revolution," and the French revolution owed so much to the lessons of democracy brought back by the French soldiers and sailors from America—those who took part in the revolutionary war—that the founders of this republic are not without their share of responsibility for even the Napoleonic assault upon the old bulwarks of European society.

It is this mighty relation to the progress of humanity which should one day lift the Fourth of July out of the political calendar of a single nation and put it in the political calendar of the world.

THE MONEY QUESTION.

Honolulu, July 4, 1908.

Editor Advertiser.—Answering Mr. Ingham's question in this morning's paper you say "the purchasing power of that currency fluctuates." The intimation is that the purchasing power of currency based on a gold basis does not fluctuate.

Is it not a fact that the purchasing power of all currency constantly fluctuates? Is it not a fact that the purchasing power of a gold dollar is different today from what it was before the panic of 1907? And is it not a fact that the basis of our currency has been gold for more than a decade? Then, if gold is unable to prevent fluctuation, assuming fluctuation to be detrimental, to "hamper business," is it not possible to substitute some currency that is of itself more stable and less susceptible of manipulation than gold?

Respectfully yours,

H. CULMAN.

The price of products may fluctuate, according as they are scarce or dear, and sometimes for artificial reasons. But we do not, as used to be the case in Japan, when that country was on a silver basis, have to look in the paper every day to see what money itself is worth. The gold dollar is worth a dollar all the time. Unite a fluctuating product with a fluctuating currency and you have financial chaos and hard times. A currency that will not change any more than a yardstick will, is the only safe currency.

Maunawala, T. H., July 4, 1908.

Editor Advertiser.—In your editorial today, replying to Edward Ingham's query, you say that so long as gold is the standard of value the world over, etc., etc., etc. Now, I wish to ask if gold is, ever was, or ever can be a standard of value? If so, how? Is it not simply the basis of issue? Yours very truly,

E. C. RHODES.

It is the standard of value because it is the only commodity in universal use which does not fluctuate in value. The monetary worth of all other commodities, in final analysis, is measured by gold. That is why gold, in all countries of stable currency, is the basis of issue.

THE LONDON TIMES.

In the files arriving by the Mongolia yesterday the statement that the London Times has been sold is again made. The purchaser this time is given as Lord Northcliffe, the principal proprietor of the London Mail, and better known in America as Sir Alfred Harmsworth. It is stated that the organization of a limited liability company, including all the interests represented in the ownership of the paper, which was undertaken some time ago to prevent its falling into the hands of C. Arthur Pearson, did not have the harmonizing effect that it was thought it would have, and it was finally decided to sell the property. Lord Northcliffe seems to have been the Johnny on the spot, and got it.

The interest with which the fortunes and the fate of the London Times is followed is, in itself, the highest possible evidence of the unique position the paper holds in the newspaper world. The Times is, and for many years has been, regarded as something more than a mere newspaper enterprise. It has been looked on as an institution. It has had influence as an institution. Other newspapers express opinions. It thundered inerrant and immutable truth. Its influence for many years has been out of all proportion to its circulation. It has been a good deal like Shakespeare. As a great many more people accept Shakespeare as all that is great in literature, than read him, so a great many more people believe the London Times the greatest newspaper on earth than read it. As an institution the British public revered it. But to find the things they wanted to read, served in the way they wanted to read them, they took some other paper.

No doubt its achievements in the past have justified something of the veneration that is felt for it. On the other hand, the fact that the London Times has escaped the commercialization which the British press has so almost universally suffered, has no doubt had its influence in retaining for the Times its unique position. If Lord Northcliffe has indeed bought it, he will achieve the greatest journalistic triumph of his wonderful journalistic career, if he saves it from commercialization, and preserves it to something of the best standards that made it great.

THE SODA WATER HABIT.

Strangers coming here from almost any part of the mainland are surprised, when they learn about it, at the amount of bottled soda drinks consumed in Honolulu and the Territory at large. In the East, West and South, while fountain soda is universal, the use of cheap bottled goods is generally confined to bars and rarely extends to private homes or to the grocery and "notion" trade. Here it is common to homes, fruit stands, bars, small grocery stores and push-wagons, and to all classes, though most popular, perhaps, among foreign laborers. The consumption in Honolulu is really enormous, some estimating it at one bottle per capita per day. At the soda fountains a large sum of money is also spent, and there is constant rivalry among them, as there is among the bottlers, to invent new flavors or improve old ones.

Were this custom common on the mainland it would go far to abate the drink evil, as it assuredly has done in Hawaii. But for the soda manufacturers and sellers, this Territory might be deluged with cheap beer, to the very great detriment of public health. Whatever may be said in favor of the moderate indulgence of beer in northern countries, especially beer which is made from hops and has not been fortified, its use in the tropics is clearly dangerous. When a man returns to England from India and says that he has drunk beer as regularly for five years there as he ever did at home, he is credited with having an iron-bound constitution. In the tropics the liver, for lack of the owner's exercise, is always in peril; and the use of beer makes that peril greater. Beer and the liver never get on together, and the latter is the one that succumbs. Furthermore, as an agent in the fatty degeneration of all the organs susceptible to that form of disease, beer has no rival in the drink market. It is a standard life-shortener.

But carbonated waters, harmlessly flavored, hurt no one. They quench thirst, which is the chief business of a drink; are pleasant to the taste, and their consumption does not set a bad example. There are no arrests, no fines, no offenses against the law, no impoverished homes in a soda fountain or a soda case. They promote temperance in its best form, and their wide acceptance here is a thing which makes Honolulu fortunate among cities.

Hearst's Independence League has not cut much of a figure in this campaign and it was reported, several weeks ago, that Mr. Hearst had gone to Europe. But negotiations seem to have been going on betimes, and now Mr. Bryan's paper comes out in the Commonwealth with a warm commendation of the League. Does this mean that Bryan, if elected President, will, in return for Hearst's support, back him for Governor of New York or put him in the Cabinet?

THE INJUNCTION COMEDY.

The anti-injunction issue is a curious one in its effect on current politics. It was started, originally, by the labor unions, which had lost various strikes because of a recourse of those whose business was hindered by them, to the restraining power of the courts. The Democracy, which was playing to the labor gallery, put an anti-injunction plank in its platform, whereupon the Republicans charged them with entering into a conspiracy against the freedom of the bench. Many votes were cast for the Republican ticket four years ago as a means of protecting the judiciary.

Now the pendulum has swung the other way. To save the labor vote for Taft, the late Republican convention adopted an anti-injunction plank; and the Eastern Democrats are fighting tooth and nail to exclude one from the Democratic platform. Should they succeed, it will be the turn of the Democrats to "view with alarm" the tendency of the Republican party to bend the courts to its despotic will, and to warn the country that, only in the endorsement at the polls of the safe and sane policies of Bryan can the sanctity of the criminal be preserved.

To the gods who sit on Olympus an American political campaign must be a quadrennial diversion, quite as stimulating to their curiosity as a good sleight-of-hand show is to mortals.

Editor Advertiser.—Reverting to the money question discussed editorially by you in your issue of July 1, let me ask whether a stable government, backed by patriotic and industrious citizens, and a country abounding in natural resources, capable of feeding, clothing and housing successive generations of mankind, is not a sufficient guarantee for the redemption of any form of currency it may issue, without reference to a gold basis: for "whether is greater, the gold, or the temple that sanctifieth the gold?" Yours very truly,

EDWARD INGHAM.

Honolulu, T. H., July 2, 1908.

[So long as gold is the standard of value the world over a plan for the redemption of money in any other commodity would cause distrust; and where distrust in a currency prevails, the purchasing power of that currency fluctuates and business is hampered, this irrespective of the wealth of the money-issuing power.—Ed. Adv.]

The growth of prohibition sentiment in the United States is remarkable. There are now eight prohibition States, with a total population of 13,000,000. There are 250 prohibition cities in thirty-five States, with from 5000 to 160,000 each, having a total population of 3,500,000, and an average population of nearly 15,000. Practically 40,000,000 people, of whom at least 10,000,000 have been added within the past four years, are living in prohibition territory, which now comprises nearly two-thirds of the nation's area. "The liquor traffic," says the Associated Prohibition Press, "is now largely centered and protected in one hundred large cities of twenty-eight license States, from which vantage the nation's prohibition two-thirds are being bombarded and devastated without redress by the brewers under the protection of the Federal government's interstate regulations."

While it is to be regretted that Captain Carter should have involved himself in a personal difficulty with a reporter, he was not without a substantial grievance. For months he has been misrepresented in print. Twice he has been accused of running his boat aground, when nothing of the kind occurred; once he was pictured as making a false move which left his boat to be dragged by the stern by a big liner; his seamanship on other occasions, particularly at Pearl Harbor, has been unjustly criticized; he was reported as having said that he found an uncharted rock upon which the Sheridan had struck, when he had simply refused to be interviewed on the subject. Finally, his patience gave out and he struck a blow. Some men would have done worse under a slighter sense of injury; some not so much. It is a question of temperament.

The Advertiser has received various protests against the killing of the dogs at the pound, which seem to be beside the mark. It is not in the public interest to have dogs overrun the town, hence the need of rounding them up now and then and disposing of those that nobody cares to redeem. A philanthropist has an open chance to buy the executioner off, and if he does not choose to take it, the poundmaster is not to blame. He has no fund with which to maintain a colony of dogs himself and it is not well that the stray ones, most of which are mangy curs, should be thus provided for.

The report that Roosevelt is suggested as a running-mate for the man whom he defeated in 1900, coupled with the remark from the Bryanites that they favor a conservative candidate to be second on the ticket, indicates that the campaign is to have its humorous side.

For supposedly crippled ships, the battleships Maine and Alabama are starting out well. Between San Francisco and Honolulu they clipped a day off the time allowed them, and between this port and Guam they take another twenty-four hours to their credit.

In view of the fact that the refusal to dance with the naval reservists at Catalina brought about the cancellation of the further maneuvers there, what will happen when the fleet officers learn that Hiloites turn up their noses at the ball tickets sent them?

J. Hastings Howland writes that the reservoir he is bossing back East will hold 300 times as much water as the Nuuanu reservoir. If Mr. Howland estimates from the amount ours could hold while he was in charge of it, the Eastern concern may only be taking on ten gallons. Patterson ought to go over and see.

It will be interesting to see whether the high moral principle which urged Attorney Humphreys' undisclosed clients to attack the official right of Dr. Cofer to hold office will also urge them to spend money upon ascertaining whether Dr. Norgaard and Mr. Duncan are holding office rightfully or wrongfully.

Admiral Thomas, whose sudden death at Del Monte is reported by cable, was in command of one of the divisions of the battleship fleet until the retirement of Admiral Evans, whom he succeeded for a day or two, when he turned the command over to Admiral Sperry.

So many rooms have been taken in Honolulu's hotels and boarding houses by Hilo people for fleet week that Brother Kennedy and Robinson Crusoe may feel like twins.

What is going to be done towards supplying the Hawaiian exhibit at the Alaska-Yukon Exposition which Congress has appropriated money to install?

The Star's simultaneous edition was a credit to its publishers and will prepare the sailors, on their way down, for the sights in store for them.

GROWING CHINESE MAT
RUSH OFFERS INDUCEMENTS

Director Wilcox of the Federal Experiment Station, although he has been here but a short while, has already made up his mind that there is one industry awaiting development which has so far been overlooked by the public. This is the growing of Chinese mat rush and the weaving up of the product in the Islands for export.

A sample of this growth, which was grown experimentally at the station, is now on exhibition in the rooms of the Promotion Committee. It is split and cured ready for weaving. The rush shown is over four feet long, and is pliable and of good color.

There is a big demand for the matting made from this fiber in the United States, and according to Director Wilcox it can be grown most successfully in Hawaii, and in marsh land that is too saline for rice and which at the present time lies idle. It will grow anywhere that tule will, and its commercial value, based on a five-foot stalk, runs from \$20 to \$25 a ton.

The yield per acre in Hawaii, according to the experiments made, is from 4500 pounds of dried rush to 9000 pounds, according to the length of the stalk, while one beauty about its cultivation is that care pays in two ways, the longer the stalk the greater the tonnage and the higher the price per ton.

The weaving of matting from the Chinese rush, the scientific name for which is *Cyperus tegetiformis*, is a simple art, and something that requires no very elaborate machinery, while the market for the matting is a large one. Even in supplying the home demand in Hawaii for this rush matting there is a good field for a small industry.